

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 9147 of 2000

For Approval and Signature:

Hon'ble MR.JUSTICE H.K.RATHOD

- =====
1. Whether Reporters of Local Papers may be allowed : NO
to see the judgements?
 2. To be referred to the Reporter or not? : NO
 3. Whether Their Lordships wish to see the fair copy : NO
of the judgement?
 4. Whether this case involves a substantial question : NO
of law as to the interpretation of the Constitution
of India, 1950 of any Order made thereunder?
 5. Whether it is to be circulated to the Civil Judge? : NO

RASHIMKABEN BAHCHERBHAI PATEL

Versus

STATE OF GUJARAT

Appearance:

MR HARDIK C RAWAL for Petitioners
Ms. Manisha Lavkumar AGP for Respondent No. 1
M/S THAKKAR ASSOC. for Respondent No. 3

CORAM : MR.JUSTICE H.K.RATHOD

Date of decision: 22/11/2000

ORAL JUDGEMENT

Today, learned advocate for the petitioner has submitted draft amendment, copy whereof has been served to the learned advocates for the other side. Draft

amendment is granted. Petitioner to carry out the same within two days from today.

I have heard the learned advocate Mr. Raval for the petitioners and Ms. Manisha Lavkumar, learned AGP for respondent NO. 1 and 2 and learned advocate Mr. D.M. Thakkar for M/s. Thakkar Associates for the respondent Panchayat.

In this petition, rule was issued by this court on 28.8.2000 and it was made returnable on 11.9.2000. Meanwhile, order of maintaining status quo has been passed by this court which has been extended from time to time and the same is operating till this date. In this petition, the main grievance raised by the petitioners is against the circular issued by the respondents no.1 and 2 dated 21st June, 2000 in respect of the appointment of primary teacher to the post of Vidya Sahayak. The petitioners have submitted that this method of calculating percentage of the candidate as per the Circular dated 21.6.2000 is inconsistent and more meritorious candidates will be ignored by the authorities and, therefore, the petitioners have made detailed representation to the respondent authorities on 22nd July, 2000 which is still pending for consideration before the respondent authorities.

In view of these facts and circumstances of the case, according to my view, it will met ends of justice if some suitable directions are issued to the respondent authorities to consider and decide the said representation in accordance with law within some stipulated period.

Accordingly, the petitioner is directed to again serve copy of the representation dated 22nd July, 2000 to the respondents no. 1 and 2 within three days from today. As and when the same is received by the respondent no.1 and 2, it is directed to the respondents no. 1 and 2 to consider and decide the same in accordance with law within ten days from the date of receipt thereof and to communicate decision thereon to the petitioners. Meanwhile, it is directed to the respondent authorities not to process further in respect of Sabarkantha District for appointment to the post of Vidya Sahayaks till then. In view of these observations and directions issued by this court, learned advocate Mr. Raval has sought leave to withdraw this petition. Permission is granted. The petition is disposed of as withdrawn with a liberty to the petitioners to challenge the orders that may be passed by the respondent

authorities, if adverse to the petitioner, before the appropriate forum in accordance with law. Rule is discharged. There shall be no order as to costs. Direct Service is Permitted.

22.11.2000. (H.K. Rathod,J.)

Vyas